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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,864	10/27/2003	Daniel Edler	024445-425	9189
21839	7590	08/05/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			ADDISU, SARA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/692,864	EDLER, DANIEL	
	Examiner	Art Unit	
	Sara Addisu	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-8 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 2-5, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 4/26/2005 have been fully considered but they are not persuasive regarding claims 1, 6-8 and 11-14. Applicant's argument that the amended claim 1 overcomes Maier's invention (U.S. Patent No. 6,715,386) since Applicant's invention has a "reference plane spaced from the radially outermost corner of at least one other insert), Examiner has determined that the rejection of claims 1 (as well as 6-8 and 11-14) under Maier (U.S. Patent No. 6,715,386) is still applicable. The rejection below further explains that the amended claim is still anticipated by Maier.

After further consideration of the rejection to claims 2-5, 9 and 10, the Examiner has withdrawn the rejection made on previous Office Action mailed on 1/26/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

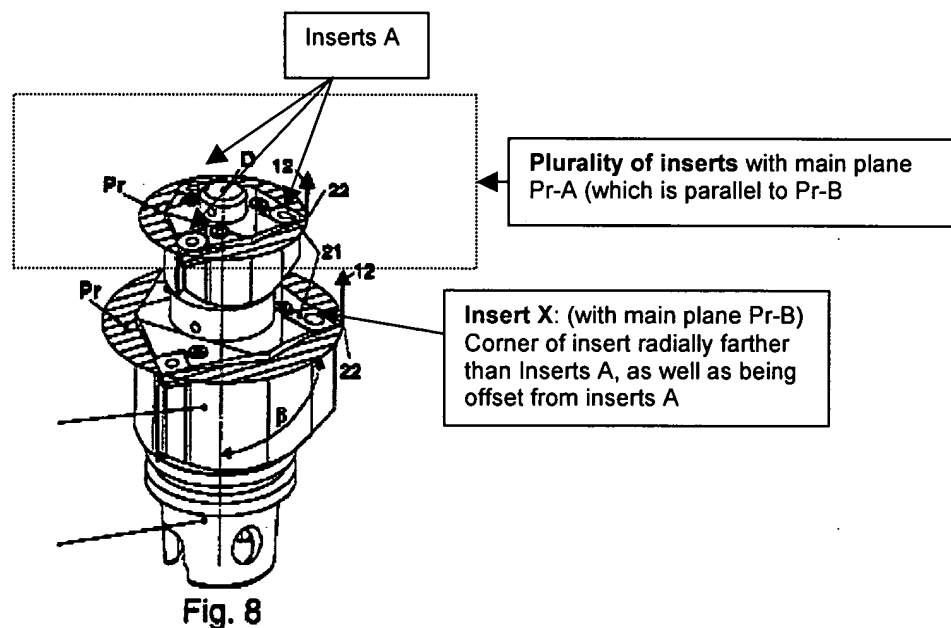
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-8 and 11-14 are finally rejected under 35 U.S.C. 102(e) as being anticipated by Maier (U.S. Patent No. 6,715,386).

Maier teaches an indexable machining apparatus (based on embodiment of figure 8) having a tool body including a tool head (holder) (19) that projects from a receptacle of tool slide (securing portion) (13). Maier also teaches replaceable cutting inserts (21) secured within pockets of the tool head (19), and a tool head (19) having rotary axis (indexing axis) (D), which helps bring one of the inserts into an operative cutting position. Furthermore, Maier teaches plurality of cutting inserts (see diagram below) arranged in such a way that the inserts have a main plane [plane that coincides with bottom surface of the inserts and is parallel to the plane (Pr)] (note, Pr is the plane of the cutting corner (22) of the inserts) that is oriented laterally relative to the indexing axis (D). The Examiner identifies this plane (not shown in diagrams) as Pr-A. Maier teaches one insert (indicated as "insert X" below) that is offset from the plurality of inserts (inserts A) along the holder's center axis (D) in a direction toward the receptacle (securing portion) of the tool. The radial spacing of Insert X from the holder's center axis is different from the plurality of inserts (inserts A). A reference plane oriented (Pr-B) perpendicularly to the indexing axis and passing through the radially outermost corner of the one insert X is spaced axially from the radial outermost corner of at least one other insert (inserts A). Additionally, "insert X", will have its main plane (Examiner is calling it Pr-B) oriented laterally relative to the holder's center axis. Pr-A and Pr-B of the inserts are configured differently from one another. Furthermore, regarding claim 12, Maier teaches a tool that is indexable relative to the holder (by rotating around axis D) to

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bring different indexible inserts (i.e. inserts A and X) into use (Col. 3, lines 2-4). Each of the inserts (21) have a plurality of corners including a radially outermost corner (of insert X) spaced radially farther from the indexing axis (D) axis than the other corners of the insert (i.e. corners of inserts A). Regarding claim 14, Maier teaches in Figure 4, axis D coinciding with the longitudinal center axis (Y) of the securing portion.



Allowable Subject Matter

Claims 2-5, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

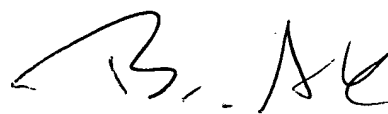
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BOYER D. ASHLEY
PRIMARY EXAMINER